

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GARY L. ABRAHAM,)	
)	8:05cv246
Plaintiff,)	
)	MEMORANDUM AND ORDER
vs.)	
)	
WALGREEN, et al.,)	
)	
Defendants.)	

This matter is before the court on the following pending motions: (1) filing no. 16, the Objection by the plaintiff, Gary L. Abraham, to Merchant Media Corp.'s Motion to File Answer Out of Time; (2) filing no. 23, the plaintiff's Motion for Default Judgment against defendant-Harvest Direct; (3) filing no. 25, Harvest Direct's Motion to File Answer Out of Time; (4) filing no. 26, Harvest Direct's Objection to the plaintiff's Motion for Default Judgment; and (5) filing no. 29, the plaintiff's Opposition to defendant-Merchant Media's Initial Disclosures. As a preliminary matter, filing no. 16, the plaintiff's Objection to Merchant Media's Motion to File Answer Out of Time, must be denied as moot. In my Memorandum and Order of June 23, 2005, I granted Merchant Media's Motion, and I accepted Merchant Media's Answer instantner.

In filing no. 25, Harvest Direct has made a sufficient showing in support of its Motion to File Answer Out of Time. Therefore, filing no. 25 is granted, and the Answer attached to filing no. 25 is accepted instantner. However, for the convenience of the parties and the court, the defendant shall file the same document as a separate pleading within five business days of the date of this Memorandum and Order. Because I have granted Harvest Direct leave to file its Answer out of time, the plaintiff's Motion for Default Judgment

against Harvest Direct, must be denied as moot. Similarly, Harvest Direct's Objection to the plaintiff's Motion for Default Judgment, will be sustained.

Finally, in filing no. 29, the plaintiff objects to defendant Merchant Media's Initial Disclosures. The exact nature of the plaintiff's objection is not clear. However, if the plaintiff believes he is entitled to specific documents or to a more detailed explanation of the defenses asserted by Merchant Media, he may obtain such information through discovery. Filing no. 29 is denied.

THEREFORE, IT IS ORDERED:

1. That filing no. 16, the plaintiff's Objection to Merchant Media Corp.'s Motion to File Answer Out of Time, is denied as moot;
2. That filing no. 23, the plaintiff's Motion for Default Judgment against Harvest Direct, is denied;
3. That filing no. 25, Harvest Direct's Motion to File Answer Out of Time, is granted; and Harvest Direct shall file its Answer as a separate pleading within five business days of the date of this Memorandum and Order;
4. That filing no. 26, Harvest Direct's Objection to the plaintiff's Motion for Default Judgment, is granted; and
5. That filing no. 29, the plaintiff's Opposition to Defendant Merchant Media's Initial Disclosures, is denied.

July 15, 2005.

BY THE COURT:

/s Richard G. Kopf
United States District Judge